

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

SUSAN YOUNK BOSSE

§

VS.

§

CIVIL ACTION NO. 5:09cv157

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

§

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

Plaintiff objects to the Magistrate Judge's recommendation that Plaintiff's above-entitled and numbered social security cause of action be affirmed. Specifically, Plaintiff asserts the Magistrate Judge did not properly consider Plaintiff's disabling depression, anxiety, and migraine headaches. Plaintiff further asserts the Magistrate Judge ignored the evidence from Plaintiff's treating physician, Dr. Shawn Stussy, and gave greater weight to Dr. Charles Lankford. Plaintiff asserts the Magistrate Judge ignored Plaintiff's sexual molestation as a child as well as her abusive marital relationships. Finally, Plaintiff asserts Plaintiff's testimony is credible and is supported by Dr. Stussy's testimony, her mother's testimony, and the testimony of the vocational expert.

After reviewing the transcript, the briefs of the parties, and the Report and Recommendation, the Court finds Plaintiff's objections are without merit. On pages 11-14 of the report and

recommendation, the Magistrate Judge specifically outlined the evidence, including medical records, indicating Plaintiff suffers from depression, anxiety, and migraine headaches. The Magistrate Judge also included Plaintiff's testimony regarding her past sexual molestation and abusive marriages. The Magistrate Judge considered the records of Dr. Stussy and noted nothing in his progress notes reflect disabling limitations associated with Plaintiff's conditions.

The Court agrees with the Magistrate Judge that while Plaintiff had some limitations related to her depression and anxiety, she was not disabled. The Court also agrees with the Magistrate Judge that Plaintiff's depression did not have a disabling effect on her ability to complete activities of daily living. The Court finds substantial evidence supports the Administrative Law Judge's residual functional capacity assessment and that Plaintiff is able to perform her past relevant work as a data entry clerk.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that the above-entitled Social Security action is **AFFIRMED**.

SIGNED this 24th day of January, 2011.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE